

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION OPIATE
LITIGATION

This document relates to:

Amending Lowndes County Complaint
(1:18-op-45835-DAP)

MDL No. 2804

Case No. 1:17-md-2804

Judge Dan Aaron Polster

**SHORT FORM FOR SUPPLEMENTING
COMPLAINT AND AMENDING
DEFENDANTS AND JURY DEMAND**

Plaintiff submits this supplemental pleading and Amended Complaint incorporating as if fully set forth herein its own prior pleadings and, if indicated below, the common factual allegations identified and the RICO causes of action included in the Corrected Second Amended Complaint and Jury Demand in the case of *The County of Summit, Ohio, et al., v. Purdue Pharma L.P., et al.*, Case No. 1:18-op-45090 (“*Summit County Pleadings*”), *In Re National Prescription Opiate Litigation*, in the United States District Court for the Northern District of Ohio, Dkt #513, 514¹), and as may be amended in the future, and any additional claims asserted herein. Plaintiff also hereby amends its complaint to alter the defendants against which claims are asserted as identified below. To the extent defendants were previously sued in plaintiff(s)’ existing complaint and they are no longer identified as defendants herein, they have been dismissed without prejudice except as limited by CMO-1, Section 6(e). Doc. #232.

¹ Docket #513 is the redacted Summit Second Amended Complaint and Docket #514 is the unredacted Summit Corrected Second Amended Complaint filed under seal in Case No. 1:17-md-02804-DAP. The redacted Summit Corrected Second Amended Complaint is also filed in its individual docket, Case No. 1:18-op-45090-DAP, Docket #24.

INCORPORATION BY REFERENCE OF EXISTING COMPLAINT

1. Plaintiff(s)' Existing Complaint (No. 7:18-cv-00090-HL, Doc. # 1) is expressly incorporated by reference to this Short Form as if fully set forth herein except to the extent that allegations regarding certain defendants that are not listed in section 2 below are dismissed without prejudice.

PARTIES – DEFENDANTS

2. Having reviewed the relevant ARCOS data, Plaintiff asserts claims against the following Defendants:

[List all Defendants against which claims are asserted. To the extent a claim is not asserted against a particular defendant, so indicate below. Otherwise each claim will be deemed to be asserted against all Defendants (except for the RICO claims identified below). If Defendants have not been sued previously in Plaintiff(s)' Existing Complaint, Plaintiff must include separate factual allegations below in support of each new defendant and must separately serve each newly named Defendant with notification of the specific ARCOS data that Plaintiffs claim supports the addition of this Defendant pursuant to the Court's Order Setting Procedure for Short Form Amendment of Complaints and Incorporation by Reference of Materials Under Seal]

Previously Named Defendants:

PURDUE PHARMA L.P.; PURDUE PHARMA INC.; THE PURDUE FREDERICK COMPANY, INC.; TEVA PHARMACEUTICAL INDUSTRIES, LTD.; TEVA PHARMACEUTICALS USA, INC.; CEPHALON, INC.; JOHNSON & JOHNSON; NORAMCO, INC.; JANSSEN PHARMACEUTICALS, INC.; ENDO HEALTH SOLUTIONS INC.; ENDO PHARMACEUTICALS, INC.; ALLERGAN PLC; WATSON LABORATORIES, INC.; ACTAVIS LLC; ACTAVIS PHARMA, INC.; MALLINCKRODT PLC; MALLINCKRODT LLC; AMERISOURCEBERGEN DRUG CORPORATION; CARDINAL HEALTH, INC.; and McKESSON CORPORATION

Newly Added Defendants:

These entities are hereby added as Defendants by this pleading based on the following jurisdictional allegations: CVS HEALTH CORPORATION; CVS PHARMACY INC.; WAL-MART, INC.; WALGREENS BOOTS ALLIANCE INC.; WALGREEN CO.; J M SMITH CORPORATION; SMITH DRUG COMPANY; WINN-DIXIE LOGISTICS, LLC; WEST-WARD PHARMACEUTICAL CORP.; HIKMA PHARMACEUTICALS USA, INC.; HIKMA PHARMACEUTICALS, PLC; INDIVIOR, INC.; MYLAN INC.; MYLAN PHARMACEUTICALS, INC.; PAR PHARMACEUTICAL CORP.; PAR PHARMACEUTICAL INC.; SPECGX, LLC

CVS HEALTH CORPORATION is a Delaware corporation with its principal place of business in Rhode Island. CVS Health Corporation wholly owns CVS Pharmacy Inc. CVS PHARMACY

INC. is a Delaware corporation with its principal place of business located at 1 CVS Drive, Woonsocket, Rhode Island 02895. CVS Pharmacy Inc. can be served process by delivering a copy of the Summons and Complaint to its registered agent for service in Georgia, C T Corporation System located at 289 S. Culver St., Lawrenceville, Georgia, 30046. CVS Health Corporation and CVS Pharmacy Inc. (collectively referred to herein as "CVS") are registered to conduct business and/or conducts business in Plaintiff's community as a licensed wholesale pharmaceutical Distributor. CVS distributed opioids, in violation of the duties owed to Plaintiff as set forth in Plaintiff's original complaint and the other allegations incorporated herein, in sufficient quantities to be a proximate cause of Plaintiff's injuries. CVS conducts business and is sued as both a Distributor Defendant.

WAL-MART, INC. is a Delaware corporation with its principal place of business located in Bentonville, Arkansas. Wal-Mart is registered to conduct business and/or conducts business in Plaintiffs' community. Wal-Mart distributed opioids, in violation of the duties owed to Plaintiff as set forth in Plaintiff's original complaint and the other allegations incorporated herein, in sufficient quantities to be a proximate cause of Plaintiff's injuries. Wal-Mart is sued as a Distributor Defendant. Wal-Mart, Inc. can be served process by delivering a copy of the Summons and Complaint to its registered agent for service in Georgia, The Corporation Company, located at 112 North Main Street, Cumming, Georgia 30040.

WALGREENS BOOTS ALLIANCE INC. is a Delaware-incorporated holding company that owns Walgreens Co. and is headquartered at 108 Wilmont Road, Deerfield, Illinois 60015. Walgreens Boots Alliance can be served by delivering a copy of the Summons and Complaint to its registered agent, Corporation Service Company, located at 251 Little Falls Drive, Wilmington, Delaware 19808. WALGREEN CO. is an Illinois-based company with its principal place of business located at 300 Wilmont Road, Deerfield, Illinois 60015. Walgreens can be served process by delivering a copy of the Summons and Complaint to its registered agent for service in Georgia, The Prentice Hall Corporation System, Inc., located at 40 Technology Parkway South, #300, Norcross, Georgia 30092. Walgreens Boots Alliance Inc. and Walgreen Co. (collectively referred to herein as "Walgreens") is registered to conduct business and/or conducts business in Plaintiffs' community as a licensed wholesale distributor. Walgreens distributed opioids, in violation of the duties owed to Plaintiff as set forth in Plaintiff's original complaint and the other allegations incorporated herein, in sufficient quantities to be a proximate cause of Plaintiff's injuries. Walgreens is sued as a Distributor Defendant.

J M SMITH CORPORATION is a South Carolina corporation with its principal place of business located at 101 West Saint John Street, Suite 305, Spartanburg, South Carolina 29306. J Smith Corporation is the holding company of multiple business units, including Smith Drug Company. J SMITH CORPORATION can be served by delivering a copy of the Summons and Complaint to its registered agent for service in Georgia, C T Corporation System located at 289 S. Culver St., Lawrenceville, Georgia, 30046. SMITH DRUG COMPANY is a South Carolina based wholesale pharmaceutical distribution company and a division of J M Smith Corporation.

J Smith Corporation and Smith Drug Company (collectively referred to herein as (“J M Smith”) is registered to conduct business and/or conducts business in Plaintiff’s community as a licensed wholesale pharmaceutical distributor. J M Smith distributed opioids, in violation of the duties owed to Plaintiff as set forth in Plaintiff’s original complaint and the other allegations incorporated herein, in sufficient quantities to be a proximate cause of Plaintiff’s injuries. J M Smith is sued as a Distributor Defendant.

WINN-DIXIE LOGISTICS, LLC is a limited liability company with its principal place of business located at 8928 Prominence Parkway, #200, Jacksonville, Florida 32256. Winn-Dixie can be served by delivering a copy of the Summons and Complaint to its registered agent for service in Georgia, CSC of Cobb County, Inc., located at 192 Anderson Street SE, Suite 125, Marietta, Georgia 30060. Winn-Dixie is registered to conduct business and/or conducts business in Plaintiff’s community as a licensed wholesale pharmaceutical distributor. Winn-Dixie distributed opioids, in violation of the duties owed to Plaintiff as set forth in Plaintiff’s original complaint and the other allegations incorporated herein, in sufficient quantities to be a proximate cause of Plaintiff’s injuries. Winn-Dixie is sued as a Distributor Defendant.

WEST-WARD PHARMACEUTICAL CORP. is a Delaware corporation with its principal place of business located at 401 Industrial Way West, Eatontown New Jersey 07724. West-Ward Pharmaceuticals Corp. is a wholly owned subsidiary of Hikma Pharmaceuticals PLC. West-Ward Pharmaceutical Corp. can be served by delivering a copy of the Summons and Complaint to its registered agent, Harvard Business Services, Inc., located at 16192 Coastal Hwy., Lewes, Delaware 19958. HIKMA PHARMACEUTICALS USA, INC. is a New Jersey corporation with its principal place of business located at 246 Industrial Way West, Eatontown, New Jersey 07724. Hikma Pharmaceuticals USA, INC. is a wholly owned subsidiary of Hikma Pharmaceuticals PLC. Hikma Pharmaceuticals USA, Inc. can be served process by delivering a copy of the Summons and Complaint to its registered agent, The Corporation Trust Company, located at 820 Bear Tavern Road, West Trenton, New Jersey 08628. HIKMA PHARMACEUTICALS, PLC is the parent company of Hikma Pharmaceuticals USA, Inc. and West-Ward Pharmaceutical Corp. with headquarters in London, U.K. and Amman, Jordan. West-Ward Pharmaceutical Corp., Hikma Pharmaceuticals USA, Inc., and Hikma Pharmaceuticals plc (collectively referred to herein as “Hikma”) manufactures, promotes, distributes and/or sells opioids nationally. Hikma is registered to conduct business and/or conducts business in Plaintiff’s community as a licensed wholesale pharmaceutical distributor. Hikma manufactured, distributed, and/or marketed opioids, in violation of the duties owed to Plaintiff as set forth in Plaintiff’s original complaint and the other allegations incorporated herein, in sufficient quantities to be a proximate cause of Plaintiff’s injuries. Hikma is sued as a Marketing/Manufacturer Defendant.

INDIVIOR, INC. is a Virginia-based pharmaceutical corporation with its principal place of business located at 10710 Midlothian Turnpike, Suite 430, Richmond, Virginia 21235. Indivior Inc. can be served by delivering a copy of the Summons and Complaint to its registered agent for

service in Georgia, Corporation Service Company, located at 40 Technology Parkway South, #300, Norcross, Georgia 30092. manufactures, promotes, distributes and/or sells opioids nationally. Indivior is registered to conduct business and/or conducts business in Plaintiff's community as a licensed wholesale pharmaceutical distributor. Indivior manufactured, distributed, and/or marketed opioids, in violation of the duties owed to Plaintiff as set forth in Plaintiff's original complaint and the other allegations incorporated herein, in sufficient quantities to be a proximate cause of Plaintiff's injuries. Indivior is sued as a Marketing/Manufacturer Defendant.

MYLAN INC. is a global pharmaceutical company with its principal executive offices located in Hatfield, Hertfordshire, United Kingdom and a Global Center located at 1000 Mylan Boulevard, Canonsburg, Pennsylvania 15317. MYLAN PHARMACEUTICALS, INC. is a subsidiary of Mylan Inc. with its principal place of business located at 781 Chestnut Ridge Road, Morgantown, West Virginia, 26505. Mylan Pharmaceuticals Inc. can be served by delivering a copy of the Summons and Complaint to its registered agent for service in Georgia, C T Corporation System located at 289 S. Culver St., Lawrenceville, Georgia, 30046. Mylan Inc. and Mylan Pharmaceuticals, Inc. (collectively referred to herein as "Mylan") manufactures, promotes, distributes and/or sells opioids nationally. Mylan is registered to conduct business and/or conducts business in Plaintiff's community as a licensed wholesale pharmaceutical distributor. Mylan manufactured, distributed, and/or marketed opioids, in violation of the duties owed to Plaintiff as set forth in Plaintiff's original complaint and the other allegations incorporated herein, in sufficient quantities to be a proximate cause of Plaintiff's injuries. Mylan is sued as a Marketing/Manufacturer Defendant.

PAR PHARMACEUTICAL CORP. is a Delaware corporation with its principal place of business located in Chestnut Ridge, New York. Par Pharmaceutical, Inc. is a Delaware corporation with its principal place of business located in Chestnut Ridge, New York. PAR PHARMACEUTICAL, INC. is a wholly owned subsidiary of Par Pharmaceutical Companies, Inc. f/k/a Par Pharmaceutical Holdings, Inc. Par Pharmaceutical Corp. and Par Pharmaceuticals Inc. (collectively referred to herein as "Par Pharmaceutical") was acquired by Endo International plc in September 2015 and is an operating company of Endo International plc. Par Pharmaceutical is registered to conduct business and/or conducts business in Plaintiff's community as a licensed wholesale pharmaceutical distributor. Par Pharmaceutical distributed opioids, in violation of the duties owed to Plaintiff as set forth in Plaintiff's original complaint and the other allegations incorporated herein, in sufficient quantities to be a proximate cause of Plaintiff's injuries. Par Pharmaceutical is sued as a Marketing/Manufacturing Defendant.

SPECGX, LLC is a Delaware limited liability company with its headquarters in Clayton, Missouri and is a wholly-owned subsidiary of Mallinckrodt PLC. SpecGx, LLC is registered to conduct business and/or conducts business in Plaintiff's community as a licensed wholesale pharmaceutical distributor. SpecGx, LLC distributed opioids, in violation of the duties owed to Plaintiff as set forth in Plaintiff's original complaint and the other allegations incorporated

herein, in sufficient quantities to be a proximate cause of Plaintiff's injuries. SpecGx, LLC is sued as a Marketing/Manufacturing Defendant.

I, Cale Conley, Counsel for Plaintiff(s), certify that in identifying all Defendants, I have followed the procedure approved by the Court and reviewed the ARCOS data that I understand to be relevant to Plaintiff(s).

I further certify that, except as set forth below, each of the Defendant(s) newly added herein appears in the ARCOS data I reviewed.

I understand that for each newly added Defendant not appearing in the ARCOS data I must set forth below factual allegations sufficient to state a claim against any such newly named Defendant that does not appear in the ARCOS data.

The following newly added Defendant(s) *do not appear* in the ARCOS data I reviewed:

N/A

Dated: March 15, 2019

Signed: /s/ Cale Conley

Factual Allegations Regarding Individual Defendants

2.1 n/a

2.2 n/a

COMMON FACTUAL ALLEGATIONS

3. By checking the boxes in this section, Plaintiff hereby incorporates by reference to this document the common factual allegations set forth in the *Summit County* Pleadings as identified in the Court's Order implementing the Short Form procedure. Dkt. # 1282.

- ☒ Common Factual Allegations (Paragraphs 130 through 670 and 746 through 813)
- ☒ RICO Marketing Enterprise Common Factual Allegations (Paragraphs 814-848)
- ☒ RICO Supply Chain Enterprise Common Factual Allegations (Paragraphs 849-877)

4. If additional claims are alleged below that were not pled in Plaintiff's Existing Complaint (other than the RICO claims asserted herein), the facts supporting those allegations must be pleaded here. Plaintiff(s) assert(s) the following additional facts to support the claim(s) identified in Paragraph 6 below (below or attached):

n/a

CLAIMS

5. The following federal **RICO causes of action** asserted in the *Summit County* Pleadings as identified in the Court's implementing order and any subsequent amendments, Dkt. 1282, are incorporated in this Short Form by reference, in addition to the causes of action already asserted in the Plaintiff(s)'s Existing Complaint (check all that apply):

☒ First Claim for Relief – Violation of RICO, 18 U.S.C. § 1961 *et seq.* – Opioid Marketing Enterprise (Against Defendants Purdue, Cephalon, Janssen, Endo and Mallinckrodt (the “RICO Marketing Defendants”)) (*Summit County* Pleadings, Paragraphs 878-905)

☒ Second Claim for Relief – Violation of RICO, 18 U.S.C. § 1961 *et seq.* – Opioid Supply Chain Enterprise (Against Defendants Purdue, Cephalon, Endo, Mallinckrodt, Actavis, McKesson, Cardinal, and AmerisourceBergen (the “RICO Supply Chain Defendants”)) (*Summit County* Pleadings, Paragraphs 906-938)

6. Plaintiff asserts the following **additional claims** as indicated (below or attached):

n/a

7. To the extent Plaintiff(s) wish(es) to **dismiss claims** previously asserted in Plaintiff(s)'s Existing Complaint, they are identified below and will be dismissed without prejudice.

N/A

WHEREFORE, Plaintiff(s) prays for relief as set forth in the *Summit County* Pleadings in *In Re National Prescription Opiate Litigation* in the United States District Court for the Northern District of Ohio, MDL No. 2804 and in Plaintiff's Existing Complaint as has been amended herein.

Dated: March 15, 2019

CONLEY GRIGGS PARTIN LLP

/s/ Cale Conley

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